

JOURNAL OF THE FLORIDA SENATE

Tuesday, April 27, 1971

The Senate was called to order by Senator Broxson at 8:05 a.m. for the purpose of conducting the order of business of Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions, pursuant to Rule 4.3.

INTRODUCTION

By Senators de la Parte and Bishop—

SB 945—A bill to be entitled An act relating to the beverage law; amending Chapter 561, Florida Statutes, by adding Section 561.65; permitting production of wine for family use without tax, fee or license; providing effective date.

Was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Ways and Means.

By Senator Broxson—

SB 946—A bill to be entitled An act relating to salt water fisheries; amending §370.16, Florida Statutes; providing that natural reefs and oyster beds in Franklin County may be leased; extending the closed season for oysters; providing that the department of natural resources may permit the gathering and transferring of oysters during the closed oyster season; reducing the allowable percentage of small oysters includable in an oyster cargo or lot from twenty-five percent (25%) to five percent (5%); prohibiting the landing of commercially caught oysters at places other than certified oyster shucking establishments; prohibiting the keeping of oysters in bags, boxes or other containers prior to their having been landed; prohibiting the sale of oysters measuring less than three (3) inches at their greatest dimension; repealing section 3 of chapter 65-905, Laws of Florida, relating to oysters in Gulf, Franklin and Wakulla Counties; providing an effective date.

Was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By the Committee on Judiciary—Civil A—

SB 947—A bill to be entitled An act relating to legal jeopardy; providing that no person shall be placed in legal jeopardy for certain acts of self-defense, protection of property or acts in aid of another in certain cases; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil A.

By Senator Trask—

SB 948—A bill to be entitled An act to amend Sections 687.02 and 687.03, Florida Statutes, defining usurious contracts and making it unlawful to impose, charge or take interest in excess of the rate therein prescribed, by modifying the interest rate which may lawfully be charged for obligations in excess of five hundred thousand dollars; providing an effective date.

Was read the first time by title and referred to the Committee on Judiciary—Civil B.

By Senator Ware—

SB 949—A bill to be entitled An act for the relief of Edwin T. Smythe and Mary S. Smythe to compensate them for injuries sustained and expenses incurred as a result of the negligence of the department of transportation; providing an effective date.

Was read the first time by title and referred to the Committees on Personnel, Retirement and Claims and Ways and Means.

By Senator Johnson (29th)—

SCR 950—A concurrent resolution expressing disapproval of further use of state funds for Capitol building repair projects until adequate steps are taken to insure the safety of the building's occupants.

Was read the first time in full and referred to the Committee on Governmental Efficiency.

By Senators Poston and Henderson—

SB 951—A bill to be entitled An act relating to state-congressional delegation meetings; creating §11.155, Florida Statutes, to provide for an annual joint meeting of the Florida congressional delegation with members of the Florida legislature for the purpose of planning Florida's legislative needs; providing for appointment of fourteen (14) state legislators to the meeting; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Lane—

SB 952—A bill to be entitled An act relating to the practice of accounting to be administered by the division of general regulation of the department of business regulation; defining accounting; requiring license; establishing qualifications; providing for registration, suspension or revocation of licenses; providing fees; providing for hearings; providing exemptions and waivers; providing an effective date.

Was read the first time by title and referred to the Committee on Commerce.

By Senator Scarborough—

SB 953—A bill to be entitled An act relating to the division of junior colleges; amending §230.761(3), Florida Statutes; providing that boards of trustees may waive or raise student tuition fees upon approval of the state board of education; providing an effective date.

Was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

By Senator Horne—

SB 954—A bill to be entitled An act amending the Florida construction industry licensing law; providing that the state, or any county or municipality, may require that bids for construction of public buildings be accompanied by evidence that the bidder holds an unrestricted certificate or registration issued pursuant to such law; providing that state, county and municipality officials shall determine compliance with such law before awarding a contract; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Horne—

SB 955—A bill to be entitled An act relating to the division of building construction and maintenance of the department of general services; amending §272.16, Florida Statutes; providing for the assignment and rental of reserved parking spaces for state officers and employees throughout the state; providing a penalty for illegal parking; authorizing the division to tow away illegally or wrongfully parked vehicles; providing for collection of fees; creating the capitol center parking trust fund; providing exceptions; repealing §1 of chapter 70-249, Laws of Florida, appearing as §272.161, Florida Statutes, 1970 Supplement, relating to rental of reserved parking spaces; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

By Senator Haverfield—

SB 956—A bill to be entitled An act relating to junior colleges; amending chapter 230, Florida Statutes, by adding section 230.777 authorizing district boards of trustees to pay premiums for group insurance; providing an effective date.

Was read the first time by title and referred to the Committee on Universities and Community Colleges.

By Senator Haverfield—

SB 957—A bill to be entitled An act relating to pari-mutuel plants, providing that the racing commission may grant an additional day of pari-mutuel operation to any pari-mutuel plant within the state for a charity day to provide scholarships for public junior colleges; providing for the allocation of the profits from such charity days; providing an effective date.

Was read the first time by title and referred to the Committees on Rules, Calendar, Privileged Business and Ethics and Ways and Means.

By Senator Arnold—

SB 958—A bill to be entitled An act relating to the department of transportation; amending section 20.23(1), Florida Statutes, to replace the secretary of transportation with the state transportation board as head of the department; adding section 20.232, Florida Statutes, transferring sections 334.08; 334.12(1); 334.12(2)(a); and 334.12(2)(c), Florida Statutes, to become sections 20.233; 20.234(1); 20.234(2)(a); and 20.234(2)(b), Florida Statutes, respectively; and repealing sections 334.062 and 334.12(2)(b), providing for the creating of five (5) transportation divisions and the appointment of board members therefrom; providing for procedures of the board; providing an effective date.

Was read the first time by title and referred to the Committee on Governmental Efficiency.

By Senator Stolzenburg—

SB 959 SF—A proposal to be entitled An act relating to fire safety.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Stolzenburg—

SB 960—A bill to be entitled An act relating to drivers' licenses; amending §322.08(2), Florida Statutes, requiring a mailing address on the application for an operator's, chauffeur's or instruction license or permit; requiring a sufficient description of the residence of such licensee or permittee if no street address appears on his application; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Stolzenburg—

SB 961—A bill to be entitled An act relating to the registration of motor vehicles; amending §320.02(2), Florida Statutes; requiring a mailing address on the application for the registration of a motor vehicle which will be driven or maintained in this state; requiring a sufficient description of the residence of such owner if no street address appears on his application; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senators Gunter and Horne—

SB 962—A bill to be entitled An act relating to credit unions; creating §657.24, Florida Statutes, authorizing officials of the state and political subdivisions thereof to provide office space to credit unions where space is available; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

By Senators Sayler and Deeb—

SB 963—A bill to be entitled An act relating to safety equipment inspection of motor vehicles; amending §325.19, Florida Statutes, as amended by chapter 70-351, Laws of Florida; providing that the exhaust system of each vehicle be inspected for carbon monoxide leaks; providing that mufflers be inspected for excessively loud noises; providing that the department require, as it deems necessary, the inspection of any other article or equipment of each vehicle, including excessive exhaust

smoke; authorizing the department to set necessary technical standards; providing an effective date.

Was read the first time by title and referred to the Committee on Transportation.

By Senator Weissenborn—

SB 964—A bill to be entitled An act relating to the department of transportation; amending §206.60(2)(b), Florida Statutes, as transferred and amended by chapter 70-995, Laws of Florida, relating to distribution of *seventh cent* gas tax; changing "state roads and bridges" to "transportation facilities"; providing an effective date.

Was read the first time by title and referred to the Committees on Transportation and Ways and Means.

By Senators Graham and Henderson—

SB 965—A bill to be entitled An act relating to environmental manpower; establishing a grant program for support of training in environmental protection through the department of health and rehabilitative services, division of health, bureau of sanitary engineers; providing an effective date.

Was read the first time by title and referred to the Committee on Health, Welfare and Institutions.

By Senator Graham—

SB 966—A bill to be entitled An act relating to education; amending subsection (2) of section 239.41, Florida Statutes, providing that no new teaching scholarship awards shall be made after July 1, 1971; amending section 239.44, Florida Statutes, providing that any monies collected by the department of education as repayment of teaching scholarships shall be deposited to the credit of the Student Financial Aid Trust Fund; amending subsection (2) of section 239.451, Florida Statutes, providing that no new scholars shall be designated and no new regents scholarship awards shall be made to Florida high school seniors graduating after July 1, 1971; amending subsection (6) of section 239.47, Florida Statutes, providing that no new nursing scholarship awards shall be made after July 1, 1971; amending subsection (5) of section 239.52, Florida Statutes, providing that repayments on nursing scholarships shall be deposited to the credit of the Student Financial Aid Trust Fund; creating the Florida Student Educational Grant Fund; providing for administration, policies, and regulations; providing that beginning with the 1972-73 fiscal year the amount or reduction in funds for the teaching scholarships, regents scholarships and nursing scholarships, because of the discontinuance of new awards, shall be identified in the department of education budget as the Florida Student Educational Grant Fund; providing an effective date.

Was read the first time by title and referred to the Committees on Universities and Community Colleges and Ways and Means.

By Senator Graham—

SB 967—A bill to be entitled An act relating to education; amending sub-section (4) of section 239.67, Florida Statutes; extending eligibility for Florida student loans to students in public vocational technical educational centers, and reducing the residency requirement from three years to one year; amending sub-section (5) of section 239.67, Florida Statutes, providing that the granting and amount of a student loan shall be based on financial need; providing an effective date.

Was read the first time by title and referred to the Committees on Vocational-Technical Education and Ways and Means.

By Senator Graham—

SB 968—A bill to be entitled An act relating to school depositories; amending §237.32(3), Florida Statutes, providing transfer of funds from one county depository to another or within the same depository by direction signed by the superintendent or his designee; providing an effective date.

Was read the first time by title and referred to the Committee on Public Schools.

By Senator Graham—

SB 969—A bill to be entitled An act relating to the department of health and rehabilitative services; amending chapter 236, Florida Statutes, by creating section 236.0706, to create a department of health and rehabilitative services school district; providing a declaration of legislative intent and mandate for implementation; providing for the approval of departmental education plans by the department of education; providing a procedure for determining education units; providing a procedure for the allocation of instructional personnel; providing a method for purchase of educational services; amending §228.041, Florida Statutes to include health and rehabilitative service's education programs in the definitions of a school district and district school system; repealing §959.25, Florida Statutes; providing an effective date.

Was read the first time by title and referred to the Committees on Public Schools and Ways and Means.

By Senator Saunders—

SB 970—A bill to be entitled An act relating to ad valorem taxation; amending §193.114(5), Florida Statutes, 1970 Supplement, as created by chapter 70-243, Laws of Florida; amending §236.07(9)(a), Florida Statutes, 1970 Supplement, as amended by chapter 70-94, Laws of Florida; amending §236.0725(4), Florida Statutes, 1970 Supplement, created by section 6 of chapter 70-94, Laws of Florida, as §236.072; requiring the auditor general in lieu of the department of revenue, to approve assessment rolls so as to comply with §193.114, Florida Statutes; removing provisions for reduction in distribution under the minimum foundation program as a result of failure by the school district to levy taxes at a certain level or failure to meet the state level of assessment; repealing §236.07(5)(b), Florida Statutes, as amended by chapter 70-94, Laws of Florida, §206-60(2)(b)3., Florida Statutes, as created by chapter 70-995, Laws of Florida, and §236.07(12), Florida Statutes, to abolish the provision for a reduction in the distribution of the seventh cent gas tax proceeds as a result of failure of the county to maintain a certain level of assessment; abolishing the implementation of amendments to subsections (5) and (9) contained in chapter 69-1735, Laws of Florida; abolishing the requirement that ratio studies, which have been approved by the department of education, be used for the distribution of school funds commencing July 1, 1970; providing an effective date.

Was read the first time by title and referred to the Committees on Governmental Efficiency and Ways and Means.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

April 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Shreve—

HB 378—A bill to be entitled An act relating to electors and elections; amending section 97.021(19), Florida Statutes, defining "permanent branch office" for voter registration, clarifying that same may be mobile unit; amending section 97.111, Florida Statutes, location of registration books; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

April 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Elections—

CS for HB 287—A bill to be entitled An act relating to elections; requiring counties with voting machines and which own or lease electronic data processing equipment to employ automation in the processing of registration data; permitting counties with voting machines and which have no electronic data processing equipment to contract for the use of said equipment for the purpose of processing registration data; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 378 and CS for HB 287, contained in the above messages, were read the first time by title and referred to the Committee on Judiciary—Civil B.

The Honorable Jerry Thomas
President of the Senate

April 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has adopted—

By Representative Crabtree and others—

HCR 1471—A concurrent resolution commemorating the fiftieth anniversary of Charlotte County.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HCR 1471, contained in the above message, was read the first time in full and referred to the Committee on Rules, Calendar, Privileged Business and Ethics.

The Senate was called to order by the President at 8:30 a.m. A quorum present—46:

Mr. President	Deeb	Karl	Saunders
Arnold	de la Parte	Knopke	Saylor
Barron	Ducker	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Bishop	Haverfield	Myers	Weber
Boyd	Henderson	Ott	Weissenborn
Brantley	Hollahan	Plante	Williams
Broxson	Horne	Pope	Wilson
Childers	Joanson (29th)	Poston	
Daniel	Johnson (34th)	Reuter	

Excused: Senators Brannen and Fincher.

Prayer by the Reverend John Green, associate minister of Trinity Methodist Church, Tallahassee:

O Lord, our God, who governs the world in righteousness and justice, and who judges the world with mercy and pity: Guide and direct the minds of those who rule over us and who legislate for us. Grant that the issues and the decisions of their choice promote the welfare of the people of this state. And, to these elected officials of the people, give the Spirit of righteousness and justice, mercy and pity.

We pray, our Father, that you administer your blessings upon all people who labor for peace among the peoples. And may the day be hastened when war shall be no more and instead your Holy Spirit shall be the government upon the earth.

Let us remember with gratitude all those in the past who gave of themselves in service to the State of Florida. We pray we may build upon their good an edifice not made with hands but with the Spirit of Jesus Christ. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The Journals of April 26 and 23 were corrected and approved.

The Journal of April 22 was corrected and approved as follows:

Page 161, column 1, line 33, strike "533" and insert 553

On motion by Senator Johnson (29th), the rules were waived and Lincoln Shirley, producer of the film, "Does Anyone Care?", Oliver J. Keller, director of the Division of Youth Services, and others connected with the showing of the film to the membership were granted privileges of the floor.

On motion by Senator Johnson (29th), the President appointed Senators Bell, Ott and Weber as a committee to escort Mr. Shirley to the well where he addressed the Senate briefly.

On motion by Senator Karl, the Senate proceeded to the consideration of—

EXECUTIVE BUSINESS

Senator Karl moved that the rules be waived and the Reports of the Select Committee on Executive Suspensions in the matters of Leroy Johnson, James H. Boyd and Beth Varn McCoy and the proceedings of the Senate in relation thereto be received and held in open Session. Which was agreed to and so ordered.

Senator Karl, Chairman of the Select Committee, was accorded the privileges of the Well and read the following Report:

*Senator Jerry Thomas
President, The Florida Senate
The Capitol*

March 29, 1971

Dear Mr. President:

This report is for the information of the Senate concerning the Executive Order of Suspension directed to Mr. LeRoy Johnson, County Commissioner, Santa Rosa County.

It has been brought to the attention of the Select Committee on Executive Suspensions that an Executive Order dated March 12, 1971, has been entered by the Governor withdrawing the Order of Suspension and reinstating Mr. Johnson.

In view of the above, no Senate action is necessary.

Respectfully submitted,

**FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE
C. S. REUTER
J. H. WILLIAMS
HAROLD S. WILSON**

**SELECT COMMITTEE ON
EXECUTIVE SUSPENSIONS**

On motion by Senator Karl, the Report of the Select Committee was adopted.

Senator Karl, Chairman of the Select Committee, read the following Report:

*Senator Jerry Thomas
President, The Florida Senate
The Capitol*

April 22, 1971

Dear Mr. President:

James H. Boyd, Supervisor of Elections in Brevard County, Florida, was duly elected to that Office in November, 1968. He assumed the Office in January, 1969. During the primary elections in 1970 and the general election in November, 1970, certain problems arose that caused the Honorable Roger F. Dykes, Cir-

cuit Judge for the Eighteenth Judicial Circuit, to impanel a Grand Jury to inquire into allegations of irregularities in the operation of the Office of Supervisor of Elections in Brevard County.

On the 13th of November, 1970, the Grand Jury, in an interim report, reviewed the testimony and exhibits that had been brought to them and recommended, among other things, that the Governor suspend Mr. Boyd. The Grand Jury concluded, however, "That despite the extent of the statutory violations herein, the return of criminal indictments is not warranted."

On November 23, 1970, Claude R. Kirk, Jr., Governor, entered an Executive Order of Suspension which incorporated the Grand Jury report and suspended James H. Boyd from his office on the grounds of misfeasance, neglect of duty and incompetency in office.

The Senate Select Committee on Executive Suspensions met in Orlando, Florida, on March 25 and 26, 1971, and heard testimony of witnesses, reviewed exhibits and heard argument of counsel for the Governor and for Mr. Boyd. The Committee has reviewed the evidence, examined the election laws and carefully considered the issues in this case.

The Committee wishes to observe that throughout the State there are overlapping responsibilities among the Supervisors of Elections, Clerks of the Circuit Courts and County Commissioners as to the preparation, control, maintenance and security of voting machines. The problems growing out of this overlapping of responsibility and authority came to light in another suspension matter before the Senate and is more pronounced here. The Committee urges statutory reform that will clearly fix the duties and responsibilities and eliminate possible future problems.

The Committee further observes that a custom has grown up in our state for the Governor to almost automatically suspend public officials who are indicted. We have no quarrel with that custom and believe that most indicted public officials should be summarily suspended pending the outcome of the criminal charges against them so as to prevent their making public decisions, expending public funds and exercising the authority of their offices while under indictment.

However, we express some concern about the practice of the Governor summarily suspending a public official on the recommendation of a Grand Jury where no indictment is forthcoming. Where the Grand Jury determines not to indict, the Governor should, in our view, first satisfy himself, from his own investigation, that one or more of the constitutional grounds for suspension actually exist. The Grand Jury inquiry does not involve explanations from the official investigated nor should it be presumed that the Grand Jury has been fully advised of the appropriate grounds of suspension of public officials. When the Governor acts on the simple recommendation of a Grand Jury, he may be doing a substantial injustice to the elected official and his constituents.

In the instant case the Grand Jury set forth numerous examples which they concluded constituted misfeasance and neglect of duty respecting the operation of the Office of Supervisor of Elections. The Committee finds that in some cases there are questions as to whether there were, in fact, actual violations. In one instance the alleged violation was no more than a violation of the interpretation of an ambiguous statute by the Secretary of State's Office. Another alleged violation had to do with identification slip containers. Again, the statute is not so specific that it could be said that there is a violation of law involved.

Several alleged violations as to forms, supplies, and procedures were in effect in Brevard County for many years, and those violations were simply allowed to continue under Mr. Boyd.

The testimony showed that many voting machines used in the 1970 elections were not properly prepared, secured, and placed in proper working order for the elections. There was, however, no evidence that these deficiencies resulted in any major problem for any candidate in those elections. That is to

say no election has been found to be invalid as a result of those deficiencies. Some of those problems probably resulted from the overlapping of authority and responsibility among the various county officials.

Evidence was convincing that Mr. Boyd alienated other county officials; alienated members of the press; caused unrest, dissatisfaction and extremely low morale among his office staff; certain of his practices were arbitrary and bordered on statutory violations, and the level of his efficiency and effectiveness was low. Moreover, he left off of a ballot the names of candidates for certain party offices; he was late with absentee ballots, which we believe deprived some servicemen for an opportunity to vote; he failed to correct a precinct situation which permitted voters living outside of a port authority district to vote on district questions, and he did other things which indicated a lack of good judgment.

We agree with the Grand Jury that the return of criminal indictments is not warranted. We conclude that the people of Brevard County elected to the Office of Supervisor of Elections a man who conducted his office in a manner that is below what we feel should be a proper standard. But we have also concluded that the evidence presented falls short of proving that Mr. Boyd was guilty of misfeasance, neglect of duty or incompetency in office.

It is not the function of the Senate to remove public officials because they do not perform their duties quite as well as we think they should. The questions of degree of efficiency and effectiveness we leave to the electorate. We confine ourselves to a consideration of whether the conduct of the public official comes within the constitutional grounds for suspension and removal.

In consideration of the above, we are persuaded that in this particular case and under these particular circumstances and in view of the evidence presented and the state of the law, James H. Boyd should not be removed from the Office of Supervisor of Elections of Brevard County, and we, therefore, recommend that he be reinstated in that Office.

Respectfully submitted,

FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE
C. S. REUTER
J. H. WILLIAMS
HAROLD S. WILSON

SELECT COMMITTEE ON EXECUTIVE SUSPENSIONS

Senator Karl moved the adoption of the Report and that pursuant thereto James H. Boyd not be removed from the office of Supervisor of Elections of Brevard County, Florida, from which he had been suspended and that he be reinstated therein. The vote was:

Yeas—33

Mr. President	de la Parte	Karl	Reuter
Arnold	Ducker	Lane	Saylor
Barron	Gong	Lewis (33rd)	Scarborough
Beaufort	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Wilson
Brantley	Horne	Ott	
Childers	Johnson (29th)	Plante	
Daniel	Johnson (34th)	Poston	

Nays—1

Bell

Senator Karl, Chairman of the Select Committee, read the following Report:

Senator Jerry Thomas
President, The Florida Senate
The Capitol

April 22, 1971

Dear Mr. President:

Beth Varn McCoy was duly elected Clerk of the Circuit Court of Hernando County in the general election of 1966. She was reelected in 1968 without opposition and served until she was suspended by Governor Claude R. Kirk, Jr. on December 11, 1969.

The original Executive Order of Suspension recited the fact that Mrs. McCoy had been indicted by the Grand Jury of the Fifth Judicial Circuit, Hernando County, charging her with embezzlement. Following the trial and acquittal of Mrs. McCoy and as a result of a pre-hearing conference, an Amended Order of Suspension, dated November 23, 1970, was executed and signed by Claude R. Kirk, Jr., Governor. The Amended Order of Suspension broadened the charges upon which the Governor based his original Order of Suspension.

The Committee conducted a pre-hearing conference in February, 1971. We heard testimony and received evidence from both the Governor's Office and Mrs. McCoy on March 23 and 24, and again on April 13, 1971. The Committee has carefully considered all of the evidence presented to it and has given appropriate consideration to letters and newspaper articles which have been furnished voluntarily to the members.

The testimony indicated that Beth Varn McCoy was first employed in the office of the Clerk of the Circuit Court by her father, who was then serving as Clerk, when she was sixteen years of age. She performed various duties in the Office but received no training or experience in the field of bookkeeping. She continued this employment until her father's death in April, 1966. She continued to work in the Office under James A. Brooks, who was appointed by Governor Burns to serve until the next general election in 1966. She then became a candidate and was elected Clerk at the age of 23.

Upon assuming office, Mrs. McCoy retained key personnel and continued basically the same procedures that had been followed under both prior administrations. The principal change that she instituted, shortly after taking office, was the separation of the bookkeeping functions and the cash check-up procedures so that she had personal supervision over the funds coming into the Office and deposits of cash receipts.

When she had been in office approximately nine months, it was brought to her attention that there was a probable shortage in the amount of approximately \$2,000.00. Some new procedures were instituted, but none of the shortage was made up at that time; nor was a procedure adopted that would provide a daily cash count which would reveal any possible increase in the shortage. On the contrary, the method of depositing the public funds and of safeguarding them was haphazard. Daily receipts were not deposited intact. Less than the full amounts collected in a given time was deposited at the end of that period. At times thousands of dollars were kept in the Clerk's Office without being deposited, even though the combination of the safe was known to many people, and neither the locks on the Clerk's doors nor the safe combination had been changed through three administrations.

In the late Spring of 1968, an employee suggested to the State Auditor that there was an apparent shortage in the Office, and an audit of that Office was instituted July 25, 1968. On July 31, 1968, a cash count under the supervision of the auditor revealed that there was \$10,771.76 in the Office and that the Clerk's accounts, overall, were deficient in the amount of \$7,051.31.

Mrs. McCoy borrowed the funds with which to make up the deficiency, and she put that sum into the Office accounts.

Subsequently, an additional shortage developed in excess of \$1,000.00, and Mrs. McCoy admitted falsifying a receipt for

the purpose of covering that shortage until she could attempt to determine what happened to the additional funds. That shortage has also been made up by Mrs. McCoy.

The Committee was impressed with the testimony produced in support of Mrs. McCoy as to the courteous and efficient manner in which her office was conducted in so far as her court work, recording procedures and other record keeping were concerned. The Committee also felt considerable sympathy as it learned of the serious health problems suffered by Mrs. McCoy and her children during the period in which the shortage occurred. Moreover the Committee, like the Petit Jury that acquitted her, could not conclude that she embezzled the money, but we did conclude that it departed her office through the actions of a person or persons unknown to us.

But the overriding fact remains that Chapter 219.02(2) Florida Statutes, imposes a high degree of care and responsibility upon public officials who control public funds:

"210.02 Handling of public money—(2) It shall be the duty of each officer to keep safely all the public money collected by him. Each officer shall exercise all possible care for the protection of the public money in his custody, and all public money shall be kept separate in the depository and shall not be commingled with personal funds."

In spite of her youth and inexperience, the illness that she and her family endured, the good services performed in so many ways, and the fact that all shortages have been paid by Mrs. McCoy so that the public has lost no money, the Committee feels that her admitted falsification of official records, her violation of the above statute, her failure to take effective action to comply with the statute when it became apparent that a shortage existed and the fact that such a large deficit was allowed to accrue constitute misfeasance, malfeasance and neglect of duty in Office and, therefore, require her removal.

Accordingly, we recommend to the Senate the suspension of Beth Varn McCoy be upheld and that she be removed as Clerk of the Circuit Court of Hernando County, Florida.

Respectfully submitted,

FREDERICK B. KARL, Chairman
C. W. BEAUFORT
W. E. BISHOP
KENNETH PLANTE
C. S. REUTER
J. H. WILLIAMS
HAROLD S. WILSON

SELECT COMMITTEE ON EXECUTIVE SUSPENSIONS

Senator Karl moved the adoption of the Report and that pursuant thereto Beth Varn McCoy be removed from the office of Clerk of the Circuit Court of Hernando County, Florida. The vote was: Yeas—40 Nays—None

Mr. President	Daniel	Johnson (34th)	Pope
Arnold	Deeb	Karl	Poston
Barron	Ducker	Knopke	Reuter
Beaufort	Gong	Lane	Sayler
Bell	Graham	Lewis (33rd)	Scarborough
Bishop	Gunter	Lewis (43rd)	Stolzenburg
Boyd	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Ware
Broxson	Hollahan	Ott	Weissenborn
Childers	Horne	Plante	Wilson

REPORTS OF COMMITTEES

The Committee on Health, Welfare and Institutions recommends the following pass: SB 271 with 3 amendments, SB 219, SB 395 with 1 amendment

The Committee on Natural Resources and Conservation recommends the following pass: SB 619

The Committee on Transportation recommends the following pass: Senate Resolutions 746, 747, 748

The Committee on Judiciary—Criminal recommends the following pass:

SB 345 with 5 amendments	SB 740 with 1 amendment
SB 737 with 1 amendment	SB 788 with 1 amendment

The Committee on Health, Welfare and Institutions recommends the following pass: Senate Bills 670, 671, 726 and SB 438 with 2 amendments

The Committee on Commerce recommends the following pass:

SB 624 with 2 amendments	SB 827
SB 809 with 1 amendment	SB 752
SB 672 with 2 amendments	SB 812

The Committee on Governmental Efficiency recommends the following pass:

SB 802	SB 712
HB 371	SB 638
SB 457 with 1 amendment	HCR 59
SB 621	SB 597 with 1 amendment
SB 482	SB 410

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following pass: Senate Bills 75, 261, 243

The Committee on Universities and Community Colleges recommends the following pass: SB 754

The Committee on Public Schools recommends the following pass: SB 380 with 3 amendments, SB 832 with 2 amendments, SB 833 with 1 amendment

The Committee on Judiciary—Civil B recommends the following pass:

SB 146 with 2 amendments	SB 428
SB 415	HB 468 with 6 amendments
SB 426	

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Rules, Calendar, Privileged Business and Ethics returns to the Senate HB 1257 as a special and continuing order of business for Tuesday, April 27, 1971, pursuant to motion by Senator Horne, seconded and unanimously adopted.

The bill was placed on the Calendar as a special and continuing order of business.

The Committee on Health, Welfare and Institutions recommends the following pass: SB 669 with 1 amendment

The Committee on Universities and Community Colleges recommends the following pass: SB 660 with 3 amendments

The Committee on Governmental Efficiency recommends the following pass: SB 307

The Committee on Natural Resources and Conservation recommends the following pass: SB 718, SB 719

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Health, Welfare and Institutions recommends the following pass: Senate Bills 630, 631, 632, 633

The Committee on Commerce recommends the following pass: SB 612 with 2 amendments

The bills contained in the foregoing reports were referred to the Committee on Governmental Efficiency under the original reference.

The Committee on Governmental Efficiency recommends the following pass: SJR 678 with 1 amendment

The bill was referred to the Committee on Rules, Calendar, Privileged Business and Ethics under the original reference.

The Committee on Judiciary—Criminal recommends a Committee Substitute for the following: SB 198

The Committee on Judiciary—Civil A recommends a Committee Substitute for the following: SB 42 with 4 amendments

The Committee on Commerce recommends a Committee Substitute for the following: SB 842

The Committee on Judiciary—Civil A recommends a Committee Substitute for the following: SJR 801

The bills with Committee Substitutes attached contained in the foregoing reports were placed on the Calendar.

The Committee on Health, Welfare and Institutions recommends the following not pass: SB 361, SB 363

The Committee on Natural Resources and Conservation recommends the following not pass: SB 613, SB 618

The Committee on Judiciary—Civil A recommends the following not pass: SB 466

The Committee on Public Schools recommends the following not pass: Senate Bills 132, 157, 316, 470, 664, 814

The Committee on Commerce recommends the following not pass: Senate Bills 753, 598, 841

The Committee on Governmental Efficiency recommends the following not pass: SB 151

The Committee on Health, Welfare and Institutions recommends the following not pass: SB 690

The Committee on Judiciary—Civil B recommends the following not pass: SB 95, SB 331

The bills contained in the foregoing reports were laid on the table.

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 19 with 6 amendments	SB 374 with 1 amendment
SB 183 with 1 amendment	SB 418 with 1 amendment
SB 365 with 1 amendment	SB 550 with 1 amendment
SB 369 with 2 amendments	

—reports that the Senate amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were immediately certified to the House.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred—

SCR 15	SCR 762
SCR 248	

—reports same have been enrolled, signed by the required Constitutional officers and filed with the Secretary of State on April 23, 1971.

ELMER O. FRIDAY
Secretary of the Senate

BILLS REFERRED TO SUBCOMMITTEES

Appropriations A Subcommittee: Senate Bills 407, 506 and 510 (7 days to report to the Committee on Ways and Means)

Appropriations B Subcommittee: Senate Bills 599, 611, 660, 665, 756, 627 and CS for Senate Bills 97 and 136 (7 days to report to the Committee on Ways and Means)

Finance and Taxation Subcommittee: SB 180 and HB 1011 (7 days to report to the Committee on Ways and Means)

The following schedule of sessions for convening and adjourning of the Senate for the week of April 26-April 30 was submitted by the Committee on Rules, Calendar, Privileged Business and Ethics and approved by the President: Tuesday, 9:00 a.m.-12:00 noon; Wednesday, 9:00 a.m.-12:00 noon, 2:00 p.m.-5:00 p.m.; Thursday, 9:00 a.m.-12:00 noon.

The following schedule of sessions for convening and adjourning of the Senate for the week of May 3-May 7 was submitted by the Committee on Rules, Calendar, Privileged Business and Ethics and approved by the President: Monday, 9:00 a.m.-1:00 p.m.; Tuesday, 9:00 a.m.-1:00 p.m.; Wednesday, 9:00 a.m.-1:00 p.m., 2:00 p.m.-5:00 p.m.; Thursday, 9:00 a.m.-1:00 p.m.; Friday, 9:00 a.m.-1:00 p.m.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Karl, by two-thirds vote, House Bills 519, 533 and 528 were withdrawn from the Committee on Commerce and placed on the Calendar.

On motions by Senator Hollahan, by two-thirds vote, Senate Bills 878 and 879 were withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Hollahan, the Committee on Rules, Calendar, Privileged Business and Ethics was granted an additional 15 days for the consideration of SB 697 and HB 728.

On motion by Senator Broxson, the Committee on Public Schools was granted an additional 5 days for the consideration of Senate Bills 657 and 666.

On motion by Senator Lewis (43rd), by two-thirds vote, SM 427 was withdrawn from the Committee on Judiciary—Civil B and from further consideration of the Senate.

Senator Daniel moved that SB 831 be also referred to the Committee on Governmental Efficiency and the motion failed to receive the required two-thirds vote. The vote was:

Yeas—23

Mr. President	Childers	Hollahan	Scarborough
Arnold	Daniel	Horne	Stolzenburg
Barron	Deeb	Karl	Trask
Beaufort	de la Parte	Knopke	Weber
Bishop	Ducker	Plante	Wilson
Brantley	Henderson	Saunders	

Nays—17

Bell	Johnson (29th)	McClain	Weissenborn
Boyd	Johnson (34th)	Myers	Williams
Gong	Lane	Poston	
Graham	Lewis (33rd)	Reuter	
Gunter	Lewis (43rd)	Ware	

By unanimous consent Senators Lewis (33rd) and Boyd changed their votes from nay to yea.

On motion by Senator Myers, the Committee on Health, Welfare and Institutions was granted an additional 14 days for the consideration of Senate Bills 668, 675, 745, 750, 764, 767, 768, 770, 772 and 281.

On motion by Senator Scarborough, the Committee on Personnel, Retirement and Claims was granted an additional 15 days for the consideration of Senate Bills 691, 692, 693, 694, 695, 757, 773, 785, 786 and 787.

On motion by Senator Karl, the Committee on Commerce was granted an additional 5 days for the consideration of Senate Bills 707 and 758.

On motion by Senator de la Parte, by two-thirds vote, Senate Bills 432, 433 and 434 were withdrawn from the Committee on Ways and Means and placed on the Calendar.

Pursuant to Rule 4.6, a point of order was called by Senator de la Parte, and Senate Bills 830 and 862 were also referred to the Committee on Ways and Means.

On motion by Senator Horne, the Committee on Judiciary—Civil B was granted an additional 10 days for the consideration of all bills now in the Committee.

On motion by Senator Gong, by two-thirds vote, SB 885 was withdrawn from the Committee on Commerce and from further consideration of the Senate.

On motion by Senator Myers, by two-thirds vote, SB 908 was withdrawn from the Committee on Health, Welfare and Institutions and placed on the Calendar.

On motion by Senator Bishop, by two-thirds vote, SCR 892 was withdrawn from the Committee on Agriculture and placed on the Calendar.

On motion by Senator Karl, the rules were waived and the Senate reverted to—

INTRODUCTION

Unanimous consent was granted Senator Karl to introduce the following bills out of order:

By the Committee on Commerce—

SB 1004—A bill to be entitled An act relating to financial responsibility; amending section 324.151(1)(a), Florida Statutes; providing that motor vehicle liability policies include a provision for a deductible relating to property damage coverage not to exceed five hundred dollars (\$500) unless specifically rejected by the insured; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1005—A bill to be entitled An act relating to financial responsibility; creating §§324.032, 324.105 and 324.225, and amending §§324.031, 324.051(1) and (2)(a), 324.061(1), 324.071, 324.072(3), 324.081(3), 324.121(2), 324.131, 324.181(1), 324.201 and 324.251, all Florida Statutes; providing that all owners or operators of motor vehicles in this state shall have proof of financial responsibility; requiring such proof before registration; eliminating the first accident requirement; eliminating certain exemptions from provisions concerning suspension of license and registration of persons having accidents without proof of financial responsibility and requiring said persons deposit security with the department; providing that reinstatement of license or registration be obtainable only after compliance with financial responsibility requirements and that said reinstatement be valid only for so long as such requirements are in effect; providing that any owner or operator who does not comply with the financial responsibility requirements shall

have his license and registration revoked by the department; providing that nonresident motorists comply with certain provisions; providing for notice to other jurisdictions; providing a change in the short title for chapter 324, Florida Statutes; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1006—A bill to be entitled An act relating to insurance; amending section 627.01001, Florida Statutes, to provide that certain provisions of part I of chapter 627, Florida Statutes, shall be applicable to wet marine and transportation insurance as to breach of warranty and binders; amending section 627.01081, Florida Statutes, by adding subsection (4) to provide that no breach of warranty by an insured shall constitute a defense unless such breach of warranty contributed to the loss or damage to the property insured; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1007—A bill to be entitled An act relating to insurance; amending subsection (2) of section 626.0125, Florida Statutes, providing that licensed agents may place business with an insurer for which he is not a licensed agent; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1008—A bill to be entitled An act relating to insurance; amending chapter 626, Florida Statutes, by repealing subsection (6) of section 626.331 to remove existing exemption for license requirements for writing disability insurance on persons over sixty-five; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1009—A bill to be entitled An act relating to insurance; amending section 626.0119, Florida Statutes, by adding new subsections (3) and (4) to provide that agents or insurers furnishing supplies or forms to an unlicensed agent may be held civilly liable to insureds, with certain exceptions; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1010—A bill to be entitled An act relating to insurance; amending subsection (3) of section 624.0210, Florida Statutes, to provide that the department may require, for good cause shown, any insurer transacting life or disability insurance to make and maintain a deposit for the protection of policyholders; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1011—A bill to be entitled An act relating to insurance; amending section 626.471(1) and (2), Florida Statutes, relating to the termination of the appointment of agents, to provide that such agents be given advance notice, except life and disability agents, of the intention to so terminate; providing for the continuation of contracts transacted by general lines agents; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1012—A bill to be entitled An act relating to insurance and the regulation of insurance agents; amending section 626.022, Florida Statutes, to provide proper exceptions for application of part I of chapter 626, Florida Statutes; amending section 626.121, Florida Statutes, to require a permit for supervising or managing general agents; amending subsection (1) and adding new subsection (3) to section 626.151, Florida Statutes, to require supervising or managing general agents to

comply with applicable provisions of the insurance code and requiring that the holder of or any applicant for a license or permit must not have had his eligibility for same revoked or suspended by the department; amending section 626.171, Florida Statutes, to require supervising or managing general agents to comply with applicable code provisions; amending subsection (1) of section 626.351, Florida Statutes, to include supervising or managing general agents in the law governing issuance of permits; amending subsections (2) and (3) of section 626.421, Florida Statutes, to include supervising or managing general agents in the law governing the continuance and expiration of permits; amending subsection (1) of section 626.491, Florida Statutes, to include supervising or managing general agents within the law governing termination of permit; amending subsection (1) of section 626.511, Florida Statutes, to include supervising or managing general agents in the law governing reasons for termination; amending subsection (1) of section 626.521, Florida Statutes, to require character and credit reports from supervising or managing general agents; amending subsection (1) of section 626.601, Florida Statutes, to authorize the department to inquire into improper conduct of supervising or managing general agents; amending the introductory paragraph of section 626.611, Florida Statutes, to include supervising or managing general agents within grounds for compulsory refusal, suspension, revocation of permit; authorizing the department to suspend or revoke the eligibility of an agent for any ground stated; and adding new subsection (14) to provide for revocation of agent's license for guilt in felony crimes involving moral turpitude; amending the introductory paragraph of section 626.621, Florida Statutes, to include supervising or managing general agents within grounds for discretionary refusal, suspension, revocation of permit; providing that the department may suspend or revoke eligibility of licensee for grounds stated; and adding new subsection (8) to permit department to suspend license of any agent during pendency of criminal charges involving moral turpitude; amending subsections (1) and (4) of section 626.631, Florida Statutes, to include supervising managing general agents in procedures for refusal, suspension or revocation of license; and providing for revocation if licensee is convicted of a felony; amending subsections (1), (2) and (3) of section 626.641, Florida Statutes, to provide that department orders shall also specify period of revocation or suspension of eligibility to hold agent's license and providing that if a license or the eligibility to hold same has been revoked, such person shall not apply for another license within two years and providing that there shall be no reinstatement of eligibility if the initial reasons for revocation still exist or will recur; amending section 626.651, Florida Statutes, to provide that, upon suspension or revocation of an agent's eligibility, the department may suspend or revoke all other licenses held by a licensee; and, providing for suspension or revocation of eligibility of other agents associated with an agent who has had his eligibility revoked, if such associated agents participate in such wrongdoing; amending section 626.0101, Florida Statutes, to include supervising or managing general agents within the scope of part II of chapter 626, Florida Statutes; amending section 626.0107, Florida Statutes, to provide that all members of a corporation or partnership agency which are engaged in insurance business shall have a license of the same type and class; amending subsections (2) and (5) of section 626.0108, Florida Statutes, to eliminate requirement that applicants for license must be a resident of this state for six months; and providing that applicants for a solicitor's license must be employed by only one agent or agency; amending subsection (2) of section 626.0110, Florida Statutes, to provide that a solicitor may not be licensed under more than one agent or agency at one time; amending section 626.0111, Florida Statutes, to provide that the agency under which a solicitor is appointed shall be responsible for the acts of such solicitor; amending section 626.0117, Florida Statutes, to include supervising or managing general agents in specifications of contents of application; amending section 624.0300, Florida Statutes, to include supervising or managing general agents in provisions that require payment of appointment fee; amending subsection (2) of section 648.27, Florida Statutes, to provide that no license shall be issued to a bail licensee if eligibility to hold same has been revoked or if he is not otherwise qualified therefor; amending subsections (1) and (2) of section 648.45, Florida Statutes, to provide that the department may suspend or revoke the eligibility of a bail licensee to hold same for any violation on existing grounds for revocation or suspension of license; and providing that the eligibility of associated bail bondsmen may be suspended or revoked if such associates knowingly participate in wrongdoing with any bondsman who has been so revoked or suspended; amending subsections (1), (2), (3), (4) and (8)

of section 648.46, Florida Statutes, to provide procedures for revocation or suspension of eligibility to hold bail license and providing for judicial review of department orders; amending subsections (1), (2) and (3) of section 648.49, Florida Statutes, to provide that the period of suspension of eligibility to hold a bail license shall not exceed one (1) year; providing that eligibility shall not be reinstated if original grounds for suspension still exist or will recur; providing that, if eligibility has been revoked, the department shall not issue another license until after expiration of two (2) years; amending subsections (1) and (2) of section 648.50, Florida Statutes, to provide that upon revocation or suspension of eligibility of a bail bondsman or runner, the department may suspend or revoke eligibility of said licensee to hold all other licenses held and providing for suspension or revocation of eligibility of other bail licensees which are associated with the wrongdoer, if such associates knowingly participated in the initial violations of law; amending section 648.54, Florida Statutes, to provide that upon denial, suspension, or revocation of eligibility to hold a bail license by the department, such person may appeal the order to the first district court of appeal; adding section to this bill which provides that the permit of a supervising or managing general agent shall be required after October 1, 1971; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1013—A bill to be entitled An act relating to insurance; amending section 627.0109(1), Florida Statutes, to provide that policy forms must be filed with the department in Tallahassee by or on behalf of the insurer; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1014—A bill to be entitled An act relating to the state treasurer; amending section 18.01, Florida Statutes, to remove the requirement that the bond of the state treasurer must be written by not less than four sureties; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1015—A bill to be entitled An act relating to the amendment of subsection (1) of section 255.05, Florida Statutes, to clearly distinguish between public work for the state and public work for a city, county, political subdivision or public authority and specifying affidavits in the case of state construction shall be filed with the director of the department of general services instead of with the state treasurer and specifying that such affidavits in the case of work for a city, county, political subdivision or public authority shall be filed with the treasurer or other official having charge of such work; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1016—A bill to be entitled An act relating to insurance; amending subsection (1) of section 626.0500, Florida Statutes, to provide that no person shall, from offices or facilities in this state, represent an insurer which is not authorized in this state or in the state where the property or risk is located; amending paragraph (c) of subsection (2) of section 626.0515, Florida Statutes, by substituting the word "countries" for "counties;" amending paragraph (d) of subsection (2) of section 626.0515, Florida Statutes, to require as a minimum trust fund for alien insurers an amount not less than that required of authorized insurers; amending section 626.0520, Florida Statutes, to make time for filing copy of policy conform with sixty day requirement in section 626.0517, Florida Statutes; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1017—A bill to be entitled An act relating to insurance; amending section 624.0118, Florida Statutes, by adding new subsection (5) to provide that an affidavit shall be filed by

domestic insurers which states that the directors and principal officers have read examination reports; amending section 624.0119, Florida Statutes, by amending subsection (1) to eliminate the requirement that examination expenses paid to the department shall be at rates adopted by the national association of insurance commissioners; by amending subsections (2) and (3) to provide that all moneys paid by insurers for examination shall be paid to the insurance commissioner's regulatory trust fund and permitting the department to pay to examiners such expenses out of said fund; adding subsection (7) to provide that the actual travel expenses, reasonable living expenses allowance and compensation of rate analysts and rate examiners in the discharge of their duties under section 627.321, Florida Statutes, shall be governed by the provisions of section 624.0119, Florida Statutes; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1018—A bill to be entitled An act relating to insurance; amending section 624.0103, Florida Statutes, to eliminate existing requirement that examiners may not be retained who are over the age of sixty-five; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1019—A bill to be entitled An act relating to chapter 324, Florida Statutes, (the financial responsibility law); amending subsection (1) of section 324.021, Florida Statutes, to provide that "motor vehicle" shall include only vehicles required to be licensed; amending paragraph (a) of subsection (2) of section 324.051, Florida Statutes, to raise financial responsibility involvement limits from fifty dollars to one hundred dollars and adding subparagraph 7. to said paragraph (a) of subsection (2) of said section to decrease suspension period from three years to one year under certain conditions; amending subsection (2) of section 324.061, Florida Statutes, by amending paragraph (e) and adding new paragraph (f) to provide that the department of insurance shall invest security deposits in excess of current needs in interest bearing accounts and providing that any interest earned shall be deposited in the insurance commissioner's regulatory trust fund and that any such deposits remaining unclaimed shall be transferred to the state school fund; and providing that any deposits unclaimed by anyone may be transferred to the state school fund; amending section 324.071, Florida Statutes, to incorporate reference to section 324.081 and section 324.121, Florida Statutes; amending section 324.111, Florida Statutes, to decrease judgment satisfaction period from sixty days; amending section 324.121, Florida Statutes, to provide that the word "judgment" as used in said section refers to section 324.111, Florida Statutes; amending paragraph (a) of subsection (1) of section 324.211, Florida Statutes, to provide for the furnishing by the department of application and affidavit forms upon request; providing an effective date.

Was read the first time by title and placed on the Calendar.

By the Committee on Commerce—

SB 1020—A bill to be entitled An act relating to motor vehicle insurance; amending part X of chapter 627, Florida Statutes, casualty insurance contracts, by adding section 627.0861, Florida Statutes, to require that automobile liability insurance policies issued subsequent to November 1, 1971, provide for the immediate payment of certain medical and disability benefits under such policies; providing for waiver of such benefits; amending chapter 627, Florida Statutes, by adding a new part XVI, with section 627.2001 through 627.2017, enacting the "Florida Private Passenger Motor Vehicle Insurance Rating Law"; providing definitions; defining competition as price competition; providing rate standards, and rate making factors; providing for service organizations as distinguished from rating organizations; prohibiting insurers from participating in the deliberations or decisions of service organizations with respect to rates subject to this part; requiring the filing of rates by individual insurers for public inspection; providing for joint underwriting and joint reinsurance; prohibiting acting in concert and other anti-competitive pricing practices in the development or use of rates; giving the insurance department authority to approve or disapprove rates prior to their use by insurers found to be engaged in anti-competitive pricing

practices or where competition is lacking; providing for the maintenance of records, and rating examination by the insurance department; providing for public hearings; requiring insurers to show by a preponderance of the evidence that rates comply with this part; providing for the recording and reporting of loss and expense experience; prohibiting false or misleading information and providing penalties; providing tests for the existence of competition; providing penalties for non-compliance with this part; providing for appeals and the posting of a bond; providing an effective date.

Was read the first time by title and placed on the Calendar.

Senator Poston moved that SB 221, presently in the Committee on Judiciary—Criminal, be referred to an appropriate committee. Senator Henderson posed a parliamentary inquiry: Is the motion in order since this bill was already in committee and, if not, what would be the vote required to carry the motion? The President ruled that the motion would be in order and would require a two-thirds vote to carry. Senator Poston withdrew his motion.

Senator Henderson inquired of the chair what vote would be required for the Senate to act on a measure reported by a conference committee. The President advised that it would require a majority vote to take up the conference committee report and the same vote as that required for original passage of the measure for the acceptance of the conference committee report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas
President of the Senate*

April 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 518, SB 186.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

The bills, contained in the above message, were ordered enrolled.

RESOLUTIONS ON SECOND READING

SR 746—A senate resolution requesting the governor to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and certain municipalities in conducting a study of their compliance with the requirements of federal safety standard number 9, identification and surveillance of accidents; to develop a program for identifying accident locations and for surveillance of those locations; to submit a written report, together with findings and recommendations and suggested legislation, to the senate transportation committee, and to direct the department of transportation to take steps to bring this state in further compliance with said safety standard; requesting that the senate transportation committee review the study, findings and recommendations and report to the senate in advance of the 1972 regular session of the legislature.

WHEREAS, the Federal Highway Safety Act of 1966 as amended by the Highway Safety Act of 1970 requires the secretary of the United States department of transportation to establish certain uniform safety standards with which the states must comply or otherwise be subject to a penalty of up to ten percent of the federal highway trust fund allocated to the department of transportation of Florida, and

WHEREAS, the federal statutes state that each state shall have a highway safety program approved by the secretary of the United States department of transportation designed to reduce traffic accidents, deaths, injuries and property damages, and

WHEREAS, such uniform standards have been promulgated by the secretary of the United States department of transportation to improve the identification and surveillance of accidents on all highways, roads and streets of this state, and

WHEREAS, there is partial compliance in the state, county and municipal systems in the areas of identification and surveillance of accidents, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the governor is hereby requested to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and municipalities of over 50,000 inhabitants in conducting a study of state, county and municipal compliance with the identification and surveillance of accidents as set down by safety standard number 9, as established by the Federal Highway Safety Act of 1966 as amended by the Highway Safety Act of 1970, to develop a comprehensive program for identifying accident locations and for surveillance of those locations in Florida, and to submit a written report including a comparison of each metropolitan area of fifty thousand inhabitants or more and its compliance with said standard, together with its findings, recommendations and suggested legislation to the senate transportation committee sixty days prior to the 1972 regular session of the legislature. The department of transportation is further directed to take steps during this interim period to bring this state in compliance with said safety standards.

BE IT FURTHER RESOLVED that the president of the senate direct the senate transportation committee to review the report, findings and recommendations of the department of transportation and the governor's highway safety commission in advance of the 1972 regular session of the legislature and submit a report to the senate.

Was read the second time in full. On motion by Senator Poston, SR 746 was adopted by voice vote.

SR 747—A senate resolution requesting the governor to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and certain municipalities to conduct a study of state, county and municipal compliance with federal safety standard number 14, pedestrian safety; and to develop a program to insure the safety of pedestrians; to submit a written report with findings, recommendations and suggested legislation to the senate transportation committee and to take steps to bring this state in further compliance with such standard; and requesting the senate transportation committee to review the report, findings, and recommendations and report to the senate in advance of the 1972 regular session of the legislature.

WHEREAS, the Federal Highway Safety Act of 1966 as amended by the Highway Safety Act of 1970 gives the secretary of the United States department of transportation the authority to establish certain uniform safety standards with which the states must comply or otherwise be subject to a penalty of up to ten percent of the federal highway trust fund allocated to the department of transportation of Florida, and

WHEREAS, the federal statutes state that each state shall have a highway safety program approved by the secretary of the United States department of transportation designed to reduce traffic accidents, deaths, injuries and property damages, and

WHEREAS, such uniform standards have been promulgated by the secretary of the United States department of transportation to improve pedestrian safety on all streets and highways of this state, and

WHEREAS, the state of Florida through the department of transportation and the department of highway safety and motor vehicles is in partial compliance with the pedestrian safety standards as set down by the federal safety acts, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the governor is hereby requested to direct the department of transportation, in cooperation with the governor's highway safety commission and the counties and municipalities of over fifty thousand inhabitants, to conduct a study of all aspects of pedestrian safety in the state; to develop a program to insure the safety of pedestrians, and to submit a written report with findings and recommendations and suggested legislation, if any, needed to the senate transportation committee sixty days prior to the 1972 regular session of the legislature to bring this state in compliance with federal standard number 14, pedestrian safety, and to take steps during this interim period

to bring this state in further compliance with said safety standard.

BE IT FURTHER RESOLVED that the president of the senate direct the senate transportation committee to review said report, findings and recommendations and to make a report to the senate in advance of the 1972 regular session of the legislature.

Was read the second time in full. On motion by Senator Poston, SR 747 was adopted by voice vote.

SR 748—A senate resolution requesting the governor to direct the department of transportation to cooperate with the governor's highway safety commission and the counties and certain municipalities in conducting a study of state, county and municipal compliance with the requirements of highway design, construction and maintenance, federal safety standard number 12; to develop minimum standards and publish them for public distribution; to submit a written report, together with findings, recommendations and suggested legislation, to the senate transportation committee; to direct the department of transportation to take steps to bring this state in further compliance with said minimum safety standards; and requesting the senate transportation committee to review the report, findings and recommendations and report to the senate in advance of the 1972 regular session of the legislature.

WHEREAS, the Federal Highway Safety Act of 1966 as amended by the Highway Safety Act of 1970 gives the secretary of the United States department of transportation the authority to establish certain uniform safety standards with which the states must comply or otherwise be subject to a penalty of up to ten percent of the federal highway trust fund allocated to the department of transportation of Florida, and

WHEREAS, the federal statutes state that each state shall have a highway safety program approved by the secretary of the United States department of transportation designed to reduce traffic accidents, deaths, injuries and property damages, and

WHEREAS, such uniform safety standards have been promulgated by the secretary of the United States department of transportation to improve the design, construction and maintenance of highways, and

WHEREAS, the state of Florida is in partial compliance with such safety standards, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the governor is hereby requested to direct the department of transportation in cooperation with the governor's highway safety commission and the counties and municipalities of over fifty thousand inhabitants to conduct a study into all aspects of the federal standards of highway design, construction and maintenance, safety standard number 12, as established by the Federal Highway Safety Act of 1966 as amended by the Highway Safety Act of 1970, to develop minimum standards of highway design, construction and maintenance and publish them in manual form for public distribution, to take steps during this interim period to bring this state in further compliance with the minimum safety standards, and to submit a written report to the senate transportation committee sixty days prior to the 1972 regular session of the legislature as to the implementation and legislation, if any, needed to bring this state in full compliance with the federal standards of highway design, construction and maintenance.

BE IT FURTHER RESOLVED that the president of the senate direct the senate transportation committee to review such report, findings and recommendations and make its report to the senate in advance of the 1972 regular session of the legislature.

Was read the second time in full. On motion by Senator Poston, SR 748 was adopted. The vote was:

Yeas—19

Barron	Ducker	Karl	Saylor
Boyd	Gong	Lewis (43rd)	Stolzenburg
Brantley	Graham	Myers	Ware
Broxson	Hollahan	Poston	Williams
Childers	Horne	Saunders	

Nays—18

Mr. President	Daniel	Lewis (33rd)	Scarborough
Arnold	Deeb	McClain	Trask
Beaufort	Henderson	Ott	Weber
Bell	Johnson (29th)	Plante	
Bishop	Lane	Reuter	

Senator Hollahan moved that the rules be waived and consideration of HB 1257 be deferred, the bill retaining its place on the Calendar as Special and Continuing Order. A substitute motion by Senator Weber that HB 1257 be removed from the Special Order Calendar and referred to an appropriate committee failed. The question recurred on the motion by Senator Hollahan which was adopted by the following vote:

Yeas—35

Mr. President	Daniel	Johnson (34th)	Saunders
Arnold	Deeb	Karl	Scarborough
Barron	Graham	Lane	Stolzenburg
Beaufort	Gunter	Lewis (33rd)	Trask
Bishop	Haverfield	Lewis (43rd)	Ware
Boyd	Henderson	McClain	Weber
Brantley	Hollahan	Myers	Williams
Broxson	Horne	Plante	Wilson
Childers	Johnson (29th)	Poston	

Nays—6

Bell	Gong	Saylor
Ducker	Ott	Weissenborn

Senator Karl advised the Senate that the Committee on Commerce had considered SB 563 and recommended a committee substitute therefor at its meeting April 26 but had later discovered notice of the hearing had been omitted from the Senate Calendar through a printer's error.

He requested permission to permit the report of the committee to be received and that the action taken by the committee be affirmed so that the bill could be forwarded to the next committee of reference. Permission was not granted and on the point of order that it had not been properly noticed pursuant to Rule 2.5, SB 563 remained in the Committee on Commerce.

On motion by Senator Horne, the President appointed Senators Hollahan, Boyd and Beaufort as a committee to escort the Honorable Edmund Muskie, United States Senator from Maine to the rostrum where he addressed the Senate briefly.

THIRD READING

SB 36 was taken up pending roll call, and further consideration was temporarily deferred.

SB 542—A bill to be entitled An act relating to probate law; adding subsection (4) to §731.35, Florida Statutes; providing a three (3) year limitation for claiming dower interest in realty conveyed by a husband before his death without relinquishment of dower; providing a saving clause; providing an effective date.

Was taken up pending roll call.

The President Pro Tempore presiding.

On motion by Senator Weissenborn, debate on SB 542 by the opponents and proponents was limited to 10 minutes each.

Senator Wilson moved the adoption of the following amendment which failed:

In Section 1, line 20, page 1, between "death" and "She" insert: or within 3 years after she discovers the fact that the property has been conveyed without her relinquishment of dower whichever is later.

SB 542 passed and was certified to the House. The vote was:

Yeas—31

Arnold	Ducker	Karl	Reuter
Barron	Graham	Knopke	Saunders
Barrow	Haverfield	Lane	Saylor
Beaufort	Henderson	Lewis (33rd)	Scarborough
Bell	Hollahan	McClain	Trask
Bishop	Horne	Myers	Ware
Brantley	Johnson (29th)	Ott	Williams
Daniel	Johnson (34th)	Poston	

Nays—8

Gunter	Plante	Stolzenburg	Weissenborn
Lewis (43rd)	Pope	Thomas	Wilson

By unanimous consent, Senator Childers was recorded as voting yea.

SECOND READING

The President presiding.

SB 169—A bill to be entitled An act relating to the bureau of alcoholic rehabilitation; amending section 396.121, Florida Statutes, providing authority in the bureau to make expenditures for grants to, and contract for services with, any governmental units and any public or private facility, agency or entity having available approved treatment or educational programs relating to alcoholism; providing an effective date.

Was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 169 was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Ducker	Knopke	Saunders
Arnold	Graham	Lane	Saylor
Barron	Gunter	Lewis (33rd)	Scarborough
Beaufort	Haverfield	Lewis (43rd)	Trask
Bell	Henderson	McClain	Ware
Bishop	Hollahan	Myers	Weissenborn
Boyd	Horne	Ott	Williams
Brantley	Johnson (29th)	Plante	Wilson
Childers	Johnson (34th)	Pope	
Daniel	Karl	Reuter	

Nays—1

Poston

Unanimous consent was granted Senator Poston to change his vote from nay to yea.

CO-INTRODUCERS

By permission Senator Scarborough was recorded as a co-introducer of SB 499.

By permission Senator Boyd was recorded as a co-introducer of SB 524.

The Senate resumed—

SB 36—A bill to be entitled An act relating to oil and gas wells; amending subsection 377.24(6), Florida Statutes, prohibiting the drilling of oil and gas wells within the jurisdictional limits of the state seaward of the mean high tide lines, and submerged lands twelve (12) miles inland; repealing subsections 377.24(7) and (8) to conform with this act; providing an effective date.

Senators Graham and Wilson offered the following amendment which was adopted by two-thirds vote on motion by Senator Graham:

On page 2, insert the following: New Section 2:

Section 2. If any section or part of this act be declared invalid, such declaration shall not render invalid the remaining sections or parts thereof. If this act be declared invalid as to any person

or persons, such action shall not render it invalid as to other person or persons.

Renumber succeeding section.

SB 36 as further amended was read by title.

Pending further consideration of SB 36, Senator Hollahan moved that the Senate do now adjourn to reconvene at 9:00 a.m., April 28.

Senator Barron moved as a substitute motion that the time of adjournment be extended until final action on SB 36. The motion failed by the following vote:

Yeas—18

Mr. President	Bishop	Haverfield	Weissenborn
Arnold	Brantley	Horne	Williams
Barron	Deeb	Lane	Wilson
Beaufort	Gong	Ott	
Bell	Graham	Saunders	

Nays—24

Boyd	Henderson	Lewis (43rd)	Sayler
Broxson	Hollahan	Myers	Scarborough
Childers	Johnson (29th)	Plante	Stolzenburg
Daniel	Johnson (34th)	Pope	Trask
Ducker	Karl	Poston	Ware
Gunter	Knopke	Reuter	Weber

The question recurred on the motion by Senator Hollahan and the motion was adopted. SB 36 was ordered engrossed and the Senate adjourned at 12:05 p.m. until 8:30 a.m., April 28, 1971.